

**NOMINATION OF GUS A. OWEN TO BE A MEMBER
OF THE INTERSTATE COMMERCE COMMISSION**

Y 4. C 73/7: S. HRG. 103-840

Nomination of Gus A. Owen to be a M...

HEARING
BEFORE THE
**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION**
UNITED STATES SENATE
ONE HUNDRED THIRD CONGRESS

SECOND SESSION

SEPTEMBER 14, 1994

Printed for the use of the Committee on Commerce, Science, and Transportation



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C O N T E N T S

	Page
Opening statement of Senator Exon	1
Prepared statement	2
Opening statement of Senator Hollings	1
Opening statement of Senator Packwood	15

LIST OF WITNESSES

Feinstein, Senator, U.S. Senator from California	2
Owen, Gus A., Nominee, Member of the Interstate Commerce Commission	8
Prepared statement, biographical data, and prehearing questions and answers	11
Packard, Mr. Ron, U.S. Representative from California	4
Riegle, Senator Donald W., Jr., U.S. Senator from Michigan	5
Prepared statement	7

APPENDIX

Adler, Howard, Chairman, Democratic Party of Orange County, letter from, to John Emerson, dated February 12, 1993	20
Beckman, Arnold O., Beckman Instruments, Inc., letter from, to Senator Dole, dated January 3, 1994	21
Brown, Edmund G. Pat, Attorney at Law, Los Angeles, CA, letter from, to Senator Hollings, dated March 17, 1994	19
Capizzi, Michael R., District Attorney, Orange County, CA, letter from, to Senator Dole, dated March 24, 1994	21
Gates, Brad, Sheriff-Coroner, Orange County, CA, letter from, to Senator Dole	21
Junco, Tirso del, M.D., Chairman, Republican Party of California, letter from, to Senator Dole, dated March 24, 1994	20
Packard, Ron, Member of Congress, 48th District of California, letter from, to Senator Dole, dated March 19, 1994	19
Questions asked by Senator Exon and answers thereto by Mr. Owen	23
Questions asked by Senator Hollings and answers thereto by Mr. Owen	22
Riley, Thomas R., Chairman of the Board, Orange County, CA, letter from to Senator Dole, dated March 23, 1994	22

NOMINATION OF GUS A. OWEN TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION

WEDNESDAY, SEPTEMBER 14, 1994

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION,
Washington, DC.

The committee met, pursuant to notice, at 9:34 a.m., in room SR-253, Russell Senate Building, Hon. J. James Exon, presiding.

Staff members assigned to this hearing: Clyde J. Hart, senior counsel, and Rebecca A. Kojm, professional staff member; and Emily J. Gallop, minority professional staff member.

OPENING STATEMENT OF SENATOR EXON

Senator EXON. The committee please will come to order. The committee meets this morning for several important purposes.

The first meeting this morning, of course, is to receive recommendations from distinguished Members of the Senate and the House of Representatives on the nomination of Gus A. Owen to be a member of the Interstate Commerce Commission.

I will tell the members of this part of the committee and the committee session which will follow that there is a very busy schedule on the floor of the Senate today, and I will be moving us along as quickly as possible. Mr. Chairman, your comments, please.

OPENING STATEMENT OF SENATOR HOLLINGS

The CHAIRMAN. The Commerce Committee today will consider the nomination of Gus A. Owen to be a member of the Interstate Commerce Commission.

The ICC is the Federal agency that regulates all of the Nation's rail and much of its motor carrier operations. Recent events have demonstrated the ICC's continued importance to the Nation. Specifically, if published reports are accurate, the ICC may be asked to approve significant rail mergers that will affect large segments of this Nation's economy and influence the country's transportation services and patterns for decades to come. In addition, the ICC continues to regulate significant segments of the motor carrier industry, for example, household goods carriers and bus companies. Finally, the Congress recently required the ICC to participate in a study of its regulatory functions to determine how the agency can best serve the country in the coming years.

This short list of ICC responsibilities makes it clear that approving a nominee for a seat on the ICC requires this committee to ensure that the nominee is well qualified for the position.

Mr. Owen has been provided with questions on the functions and mission of the ICC. His answers to these questions and others propounded at this hearing will help us to decide whether Mr. Owen's experience and knowledge qualify him for service on the ICC. I look forward to his testimony.

Thank you, Mr. Chairman.

Senator EXON. Thank you, Mr. Chairman. With that in mind, I want especially to welcome Gus Owen here this morning. I am very pleased to see that he is adequately represented by two distinguished Members of Congress, Mr. Ron Packard, from the U.S. House of Representatives, and, of course, my fine colleague from the U.S. Senate, Senator Dianne Feinstein.

[The prepared statement of Senator Exon follows:]

PREPARED STATEMENT OF SENATOR EXON

I am pleased to call the Surface Transportation Subcommittee to order. We have a very full schedule today with two very important hearings, the nomination of Gus Owen and a hearing on truck length and safety.

I welcome Mr. Gus Owen to the Surface Transportation Subcommittee. In recent months, this subcommittee has spent a great deal of time seeking the advice and counsel of the Interstate Commerce Commission and I look forward to working with you in the near future.

The Interstate Commerce Commission is the Nation's oldest regulatory agency and holds an important public trust. The ICC protects the public interest in matters affecting interstate transportation.

The President recently signed into law legislation Senator Packwood and I introduced known as the Trucking Regulatory Reform Act which modernizes the Commission's responsibilities in the economic regulation of truck and bus transportation.

This legislation will save tens of millions of American tax dollars, it also will save private industry billions of dollars in regulatory expense. In passing this legislation, Congress swept away decades of outdated regulation and focused the Commission's attention on the issues of safety, financial fitness, and insurance.

In the rail sector, the importance of the ICC has never been more evident. A merger-mania has swept the rail industry. The expertise and diligence of the ICC in rail mergers is critical and necessary to assure that service, workers, and competition are not damaged by further consolidation. If approved, once the current wave of mergers is completed, we can expect new wave of short line sales. Again, the Commission is key to protecting the public interest.

For years, I have heard complaints that the problem with government is there are not enough business people in government. A person who has made the books balance and has met a payroll has a perspective that is under-represented in government today. In Gus Owen, the President has recommended a true self-made man. Mr. Owen has a most colorful life story. He left home in Oklahoma at an early age, headed for California, undertook several adventures, and built a very successful business. Like Commissioner Jake Simmons, the dean of the ICC, Gus will bring a business perspective to the Commission. I welcome Gus Owen to the subcommittee and look forward to your testimony.

Senator EXON. Following the usual procedure, we recognize you first, Senator Feinstein. We are delighted that you are here this morning. Please proceed in any fashion you see fit.

STATEMENT OF SENATOR DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA

Senator FEINSTEIN. Thank you very much, Chairman Exon.

I am very pleased to appear before you today to introduce Gus Owen, the President's nominee to be a Commissioner on the Interstate Commerce Commission.

Mr. Owen has been a resident of my State, the State I am privileged to represent, California, for the last 42 years, since he made his way to Orange County at the age of 15, from his home in Muskogee, OK, where he picked cotton, came to California, worked in the fields, and picked grapes at the age of 15, actually from 11 years old to 15.

In Orange County, Mr. Owen has been a community leader, particularly with regard to transportation. He is also a successful businessman.

He has served publicly as a commissioner to the California Commission of Fish and Game, appointed in 1990 by California Gov. Pete Wilson, and he has served as chairman of the Western Association of Fish and Wildlife Commissioners.

He is a founding director of the California Institute of Federal Policy Research, which conducts research on California-related issues for use by the principal policymaking bodies, such as the State legislature and the Congress.

Mr. Owen has played a key role in transportation issues relating to Orange County. For any who have been to Orange County, you know how significant traffic and transportation issues are to the area.

He has worked closely with the local business community to begin a transportation committee, which was instrumental in working with the Governor's office to bring a California Department of Transportation, better known as CALTRANS, office to Orange County.

This office is essential in expediting the construction of highways currently underway in the Orange County area. He also worked closely with local leaders to pass a 1990 one-half cent sales tax to fund transportation projects.

Mr. Owen is currently in the commercial and residential building business, and has been since 1972. He owns Owen Properties, which specializes in development, construction, and acquisition of office buildings and industrial parks.

He is married to Kathryn Gore Thompson-Owen, a developer in her own right, and is a father of three daughters, Karina, Melissa, and Kristen.

The Interstate Commerce Commission, as you well know, has been in the process of streamlining its activities to make the regulation of interstate transportation and commerce more efficient and responsive.

Its staff and budget have been reduced by approximately 70 percent since 1979. I am hopeful that under Mr. Owen's leadership this Commission, which I believe has a real role to play in this Nation, will be just as active as possible.

Frankly, Mr. Chairman, as a California Senator, I have a growing concern over the impact of trucking deregulation in my State, particularly as it relates to the public safety.

I increasingly see big rigs pushed to high levels of speed all over the freeways, and increasingly accounting for more and more traffic accidents.

I am hopeful that Mr. Owen and the Commission will take a look at improving the public safety on the highways and byways that transect our States.

I know him, Mr. Chairman, to be a man of high reputation. I hold him in high regard. I was delighted when the Republican leader, Robert Dole, recommended his nomination to the President of the United States, and equally delighted when the President presented his nomination to you and your distinguished committee. He has my wholehearted support and endorsement, and I thank you very much.

Senator EXON. Senator Feinstein, thank you very much. I know you have a very, very busy schedule. I have no questions of you, so feel free to go at anytime, but we would like to have you remain as long as you wish.

Senator FEINSTEIN. Thank you, Mr. Chairman. I will excuse myself.

Senator EXON. Please sit down, Senator Riegle.

Senator RIEGLE. Thank you.

Senator EXON. Unless you are under some extreme time constraints, Senator Riegle, I have indicated that I would recognize the Congressman next——

Senator RIEGLE. No. I wish you would.

Senator EXON [continuing]. For his brief remarks, if that is satisfactory.

Senator RIEGLE. No. That is fine. I would just like the opportunity to speak for Mr. Owen.

Senator EXON. Thank you very much.

Mr. Packard, thanks for coming over this morning to give us your input on the nominee. I am pleased to recognize you at this time.

STATEMENT OF RON PACKARD, U.S. REPRESENTATIVE FROM CALIFORNIA

Mr. PACKARD. Thank you, Mr. Chairman, for permitting me to come before your committee and speak on behalf of Gus Owen.

I am certainly pleased to join with Dianne Feinstein in making a strong recommendation for his appointment, and for his approval and Senate confirmation.

I have been fortunate enough to know Mr. Owen personally and professionally for over 12 years now. We have become good friends. I have certainly recognized from the onset his remarkable ability in business and in community affairs.

He is a prominent citizen, who lives in my congressional district. He has been a participant in community activities for as long as I have known him. He has certainly been one of the leaders in Orange County, and one of the leaders in transportation issues.

His dual background in both business and governmental affairs has really prepared him and qualified him to be a member of the Interstate Commerce Commission, and I am looking forward to working with him in that respect.

I have served on the Public Works and Transportation Committee for sometime in the past, in the House, and had an opportunity to work with the Commission. And I see him uniquely qualified to be a Commissioner.

For 20 years, as a veteran in business in our community, Gus has certainly had a firsthand knowledge of what the business peo-

ple across the country need. And surely we need business-oriented people on these Commissions, and particularly on the ICC.

In addition, Gus' Government service and longstanding commitment to his community has yielded impressive results. He has worked in transportation in Orange County, as Senator Feinstein mentioned.

He was instrumental in bringing to Orange County the State CALTRANS office, and has worked on transportation issues for the county and the State for some time.

During his service on the fish and game commission, which is a State agency, Gus maintained a solid balance between both business and the environmental needs and issues.

His varied background and expertise and commitment will make him a tremendous asset to the ICC.

I am deeply proud and pleased that he has been selected by the President to serve on the Commission. I urge this committee to speedily approve his appointment and allow him to begin to serve.

He understands transportation issues, trucking, as well as railroad issues. He is a fast learner. He is one of the hardest working men I have ever met. He came up with much the same work ethic that I did on the farm, learning how to produce and yield a product.

It is my great pleasure to recommend to you, Mr. Chairman, and to your entire committee, Gus Owen, and trust that you will see fit to approve his appointment.

Senator EXON. Mr. Packard, thank you very, very much. We appreciate your fine statement, in such a timely fashion. I assure you that we will give this nomination every consideration.

Certainly this nominee has received a great deal of support already, and the fact that you and Senator Feinstein came here this morning will help us as we move it along as expeditiously as possible.

Mr. PACKARD. With your permission, I would like to leave.

Senator EXON. I will say the same thing to you which I said to your fine colleague, Senator Feinstein. I hope that you can stay as long as you can, but I have no questions of you. Thank you once again for being here.

Mr. PACKARD. Thank you very much. I will be leaving.

Senator EXON. We are very pleased to have Senator Riegle, the chairman of the Banking Committee, whom I know has had his hands full the last few days, especially with the passage of a truly landmark piece of banking legislation yesterday.

Senator Riegle, I am just delighted to have you before the committee this morning. I assume it is with regard to the nominee. Please proceed in any fashion you see fit at this time.

STATEMENT OF SENATOR DONALD W. RIEGLE, JR., U.S. SENATOR FROM MICHIGAN

Senator RIEGLE. Thank you.

Chairman Exon, let me say it is a pleasure for me to see you in the chairman's seat. It brings back very fond memories of our service together on this committee in years past.

This is a very special committee in the Senate, and I appreciate the chance to appear before you this morning.

Gus Owen is a very special person. In this citizen democracy of ours, we have to have good people who will step forward from both parties, or for that matter, people without party affiliations, who are willing to take on these important responsibilities. Gus is a person who brings extraordinary qualifications to the ICC.

I was not able to hear Dianne Feinstein's remarks, but I certainly heard the last set from the Congressman. And I think Gus brings a breadth of experience across a lifetime of service.

He is an ex-Marine. He came up, starting out as a laborer. So, he knows what it is like to climb the ladder step by step.

He is a highly respected individual. He has been active in his party. But I think he is the kind of person that understands that in order for our system to work, we have to work across party lines.

We have to have bipartisan cooperation. I know, Senator Exon, that this has been a theme of yours, as it has of mine, that we work together to produce the results that the public needs, and that the Nation requires of us.

I think if you look at his experience—and I ask that the my statement be made a part of his record, because it touches on a wide variety of his professional achievements.

As you look at his business success, which is a very important part of his record, you will see that he has found time for participating as a member of the Western Association of Fish and Wildlife.

He has also been a commissioner for the State of California in that area. He has been out working across a broad horizon of activities.

I have talked with a number of people who have worked with him, and they give him the highest recommendation, in terms of the kind of individual he is, and the talent that he brings.

I felt so strongly about his nomination, and the importance of having people like Gus on the ICC, that I went to see Chairman Hollings to express the strength of my views about this nominee.

I think that by moving promptly on this nomination, we send a signal to people in the private sector that not only are their services needed in public service, but that we understand the importance of it, and that when people are willing to serve, we will move forward to get them into these positions, so that they can make the contributions that they are prepared to do, and that the country needs.

So, I am here today, knowing you as I do—we have served here 18 years together—to give this individual my highest personal recommendation.

Senator EXON. Senator Riegle, thank you very much. Your full statement will be included in the record without objection.

I appreciate very much, your statement, and the fact that you took time to come over here this morning. It impresses the committee, as we look forward to our review of Mr. Owen.

Certainly, this nomination has been a long time in coming, and I am anxious to get it moved as quickly as possible.

Senator RIEGLE. If anybody can, you can.

Senator EXON. Thank you, Senator Riegle. You are excused.

Senator RIEGLE. Thank you.

[The prepared statement of Senator Riegle follows:]

PREPARED STATEMENT OF SENATOR RIEGLE

Mr. Chairman, I address the committee today in strong support of the nomination of Gus Owen as a Commissioner to the Interstate Commerce Commission. During his nearly three decades of public service, Mr. Owen has demonstrated integrity, sound judgment, and superior business skills. He has also shown a strong commitment to public service. I am confident in Mr. Owen's ability to successfully manage his responsibilities as an ICC Commissioner.

Throughout his life, Gus Owen has applied himself with great energy and enthusiasm in a variety of occupations. After leaving the U.S. Marine Corps in 1955, Mr. Owen worked as a laborer in the construction industry and as a lineman for Southern California Edison Power Co. Gus then became active in a number of political organizations. For example, from 1965 through 1967, he was executive director of the Republican Central Committee, and from 1968 through 1969, he acted as the Western States campaign director of the Republican Congressional Committee. Mr. Owen was the Southern California campaign director for the Reagan Campaign Committee in 1970. Gus understands the importance of bipartisan problemsolving, and I know he will work to build consensus at the ICC.

In addition, Mr. Owen was director and chairman of the California Loan Audit Committee for Seaside Savings and Loan, a member of the Western Association of Fish and Wildlife and a member of the California Advisory Commission. He was also Commissioner of the California State Building Standards Commission.

Since 1987, Mr. Owen has served on the Orange County Sheriff's Advisory Council and since 1991, has held the position of Commissioner of the California Fish and Game Commission. Finally, Mr. Owen founded and continues to successfully operate Owen Properties, a well-established California property management company.

Mr. Chairman, Gus Owen will bring to the ICC the same no-nonsense approach and real-world experience that he has displayed throughout his numerous business and political endeavors. I feel strongly that, if confirmed, Mr. Owen will use those skills and experiences to meet the challenges faced by our Nation's transportation industry.

Senator EXON. Mr. Owen, I again want to welcome you to the committee this morning.

Before I call upon you for any remarks which you care to make, I will say that we will have a brief question and answer session, with the understanding that some additional questions may very well be put to you in writing by the chairman and others on the committee. We would ask you to respond to those written questions as quickly as possible, so they may be included in the record.

In recent months, the committee has spent a great deal of time seeking the advice and counsel of the Interstate Commerce Commission and those associated with it. And, I look forward to working with you in the near future at a particularly critical time for the transportation industry, and a particularly critical time for the Interstate Commerce Commission.

I think, as much as anybody else in the Congress, this Senator has been carrying the battle to recreate, in a streamlined fashion, the Interstate Commerce Commission. It is not over there in its building working full time to do away with itself, but rather to play the key role, even though it is a reduced role, in the overall transportation needs of the United States of America.

I have been firmly against most of the proposals with regard to changing the Commission, which I think have been ill-conceived. But, I think the record will show I have been in the forefront of trying to streamline the bureaucracy over there and to shape the Commission into a position where it can move in a more timely fashion on a whole series of matters. With the move toward deregulation today, I think all of us adhere to the overall principle of the more we keep Government out of affairs, the better off we are.

I think, from your background and experience, you know that there are times and places when the Government has to protect the interests of the public at large, and it is always done by the forces of the free enterprise system which we all very much support.

The Interstate Commerce Commission is the oldest regulatory agency. It holds an important public trust, which I think by and large most people would say it has discharged quite well over years. These matters affect interstate transportation, a very vital part, as vital as any, with regard to U.S. commerce and industry.

The President recently signed into law legislation by Senator Packwood, which we introduced, which is known as the Trucking Regulatory Reform Act. It modernizes the Commission's responsibilities and the economic regulation of truck and bus transportation. This legislation will save tens of millions of American taxpayers' dollars. It also will save private industry billions of dollars in unnecessary regulatory expenses.

In passing this legislation, Congress swept away decades of outdated regulations, and made the Commission focus on issues of safety, financial fitness, and insurance.

In the rail sector, the importance of the ICC has never been more evident. Merger mania has swept the rail industry. The expertise and diligence of the ICC in rail mergers is critical and necessary to assure that service workers and competition are not damaged by further consolidation.

If approved, once the current wave of mergers is completed, we may expect a new wave of short-line sales. Again, the Commission is key to protecting the public interest, and that is what the ICC is all about.

For years, I have heard complaints that the problem with Government is that there are not enough business people in Government. A person who has made the books balance and has met a payroll has a perspective which is under-represented in Government today, and I suggest, always has been.

In Gus Owen, the President has recommended a real self-made man. Mr. Owen has a most colorful life and story. He left his home in Oklahoma at an early age, primarily, I suppose, because, like most Oklahomans intending to stay there, he did not receive an advanced football scholarship at the University of Oklahoma. [Laughter.]

But whatever the reason, he headed for California, undertook several adventures, and built a very successful business. Like Commissioner Jake Simmons, the dean of the ICC, Gus will bring a business perspective to the Commission.

I am very pleased that you have served so well my former colleague, Gov. Pete Wilson, of California, with whom I had a close relationship all the time that he was here. I welcome Gus Owen to the subcommittee, and I look forward to your testimony at this time. Please proceed, Mr. Owen.

STATEMENT OF GUS A. OWEN, NOMINEE, MEMBER OF THE INTERSTATE COMMERCE COMMISSION

Mr. OWEN. Thank you, Senator.

First of all, let me say that I believe the reason I was not offered a scholarship to OU was due to the fact that I wore shoes.

Senator EXON. Let us make that a part of the record. [Laughter.]

Mr. OWEN. And second, I would like to compliment you on your team, the Cornhuskers. They have had two very good wins recently. They are doing quite well.

I will keep this brief this morning, realizing the importance of the agenda for the Senate and the House in its closing moments. I would like to say thank you very much, Mr. Chairman, for convening this hearing today.

It is an honor beyond my greatest expectations to present my credentials and philosophy to the U.S. Senate and to request your support to be a Commissioner on the Interstate Commerce Commission. I would like to extend my personal gratitude to Senator Dole for suggesting me to the Clinton administration for the Republican vacancy on the ICC.

I would also wish to thank President Clinton for nominating me to be a part of this Nation's transportation system at this critical time.

As has been stated previously, the ICC plays an important role in our Nation's transportation industry.

Created as an arm of Congress over a century ago, the ICC is the Nation's oldest independent regulatory agency. The list of men and women who have served at the ICC includes such notable figures as Thomas Cooley, Clyde Aitchison, Joseph Eastman, and Virginia Mae Brown.

I would be proud to be associated with such distinguished public servants and continue their legacy.

Former ICC Commissioner George Stafford thought that in order to confront issues that come before the ICC, one should be both an experienced businessman and a seasoned public servant.

The hallmark of a successful ICC Commissioner is the ability to balance private rights with the public interest. In order to do this, one must possess a keen understanding of business issues and a reservoir of public service experience.

I have been a businessman for some 30 years, forming and managing various businesses in my home State of California.

For example, the electronics industry is one of the industries I have worked in which I hope I can bring some of that knowledge to bear in the ICC.

In addition, for the past 23 years, I have operated a real estate development and property management company in Orange County, CA.

As a successful businessman, I have had to learn finance and accounting, negotiate loans and contracts, manage personnel, resolve labor issues, deal with governmental agencies, to operate profitably.

The knowledge that I have gained through running businesses will be a significant benefit in dealing with complex issues that come before the ICC.

My public service started with the U.S. Marine Corps, from 1952 to 1955, in the Korean conflict. And more recently, I have served in a number of public service capacities.

For example, I was instrumental in forming a transportation committee from the Orange County business community to work with our elected representatives. It was a major undertaking, and

we were opposed by a lot of people. However, when we finally brought it about, it did the job that it was supposed to do. For example, we got a new Cal Trans office, with 750 employees, who were able to do the engineering and design work, for the whole county.

We passed a one-half cent sales tax, to build the highways and toll roads necessary to avoid gridlock in our rapidly growing area.

In addition, I have taken several leadership roles within the California Institute for Federal Policy Research, which was started with Senators Cranston and Wilson.

The institute was formed to conduct research and make findings on the economic viability and competitiveness of the State of California. The institute is bipartisan and broad based, with involvement from California's major politicians, business, educational, and union leaders.

I had the great pleasure there of working with Carlos Moorehead and the Democratic leadership at that time.

In 1990, Gov. Pete Wilson appointed me as one of the five commissioners of the California Commission of Fish and Game. This is a position that requires an extraordinary ability to seek out all sides of the endangered species issues, and find a delicate balance between environmental interests and the business community.

One of the other commissions I have served on was the State Building Standards Commission. This commission brought all the cities and counties in the State into compliance with the uniform building code.

That was a horrendous task, but we accomplished it in just about 4 years.

These public service experiences have honed my ability to communicate with all the parties in a dispute, and arrive at an independent resolution, an ability that is important at the ICC.

The experience and knowledge I have gained in each of my business and service capacities will serve as a solid foundation for my work at the ICC.

My role as a Commissioner will be to adjudicate and administer the laws that Congress has mandated to the ICC in a fair and impartial way, while trying to build a consensus of opinion.

As a Commissioner I will work to protect the public interest in shipping and transportation, and to preserve the viability and efficiency of the transportation industry. The ICC provides an important forum for debate and the resolution of current issues affecting the industry.

I will work to understand the dynamics of these issues, analyze the various facets in a logical, rationale way, and engender a consensus of opinion amongst the commissioners.

We are here to serve the public interest in promoting a safe, sound, and competitive surface transportation. But we must be cautious and judicious in applying this power.

In the words of Chief Justice Charles Evan Hughes, the former Chief Justice of the United States, and President Harding's Secretary of State, "When there are controversies which must be resolved in the interest of both public and private right, the careful investigator, the acute analyst, the effective advocate performs an indispensable service."

It is my intention to adopt this thought as my credo in carrying out the important missions of the ICC.

I have worked hard all my life from the day I left home at 15 years of age to today. I have applied myself to each new task with enthusiasm, energy, a desire to learn, and I apply all the knowledge and experience I have accumulated over the past many years to the task at hand.

My philosophical approach is to get involved in the process and solve the problem at hand, and move onto the next one.

I have a desire to serve my country and contribute to the transportation industry so that we might continue to grow as a nation, dedicated to providing the best transportation system possible.

Mr. Chairman, I thank you very much for the opportunity to be before you today. I would be happy to respond to any questions you might have.

[The prepared statement, biographical data, and prehearing questions and answers of Mr. Owen follow:]

PREPARED STATEMENT OF GUS A. OWEN

Thank you very much Mr. Chairman for convening this hearing today. It is an honor beyond my greatest expectations to be presenting my credentials and philosophy to such an august body of distinguished Senators, I am also requesting your support to be a Commissioner of the Interstate Commerce Commission.

I would like to extend my gratitude to Senator Dole for suggesting me to the Clinton Administration for the Republican vacancy on the ICC. I would also wish to thank President Clinton for nominating me to be a part of this nations transportation system at this critical time.

The ICC has played an important role in the history of our nation's transportation industry. Created as an arm of Congress over a century ago, the ICC is the nation's oldest independent regulatory agency. The list of men and women who have served at the ICC includes such notable figures as Thomas Cooley, Clyde Aitchison, Joseph Eastman and Virginia Mae Brown. I would be proud to be associated with such distinguished public servants and continue their legacy.

Former ICC Commissioner George Stafford felt that in order to confront issues that come before the ICC, one should be both an experienced businessman and a seasoned public servant. The hallmark of a successful ICC Commissioner is the ability to balance private rights with the public interest. In order to do this, one must possess a keen understanding of business issues and a reservoir of public service experience.

I have been a businessman for some 30 years, forming and managing various businesses in my home state of California. For the past 23 years, I have been operating a real estate development and property management company in Orange County, California. As a successful businessman, I have had to learn finance and accounting, negotiate loans and contracts, manage personnel, resolve labor issues, deal with governmental agencies and operate profitably. The knowledge that I have gained through running a business will be a significant benefit in dealing with the complex issues that come before the ICC.

I have served in the United States Marine Corp from 1952-55 and, more recently, in a variety of public service capacities.

I was instrumental in forming a Transportation Committee from the Orange County business community to work with our elected representatives to address the critical transportation issues to improve the transportation services of Orange County. We passed a one-half percent sales tax to build the highways and toll roads necessary to avoid gridlock in our rapidly growing area. I formed a committee of community leaders to petition the Governor to create new jobs and to provide engineering and maintenance crews for our highway system. The new Cal Trans office provided the engineers, planners and designers who expedited the design work necessary to accelerate the construction start-up time by many years over the old system.

I have taken several leadership roles within the California institute for Federal Policy Research, and institute that we formed to conduct research and make findings on the economic viability and competitiveness of the State of California. This

institute is bipartisan and broad-based, with involvement from California's major politicians, business, educational and union leaders.

In 1990, Governor Pete Wilson appointed me as one of five Commissioners to the California Commission of Fish and Game, a position that has required an extraordinary ability to seek out all sides of endangered species issues and find a delicate balance between environmental issues and the business community. I also served on the California State Building Standards Commission with the goal of bringing all cities and counties together on a uniform building code for the state. We accomplished most of that task in four years.

These public service experiences have honed my ability to communicate with all parties in a dispute and arrive at an independent resolution, an ability that will be quite useful at the ICC.

The experience and knowledge that I have gained in each of my business and service capacities will serve as a solid foundation in my work at the ICC. My role as a commissioner will be to adjudicate and administer the laws that congress has mandated to the ICC in a fair and impartial way, while trying to build a consensus of opinion.

As a Commissioner, I will work to protect the public interest in shipping and transportation, and to preserve the viability and efficiency of the transportation industry. The ICC provides an important forum for debate and resolution of the current issues affecting the industry; I will work to understand the dynamics of these issues, analyze the various facets in a logical, rational way and engender a consensus of opinion amongst the Commissioners.

We are here to serve the public interest in promoting a safe, sound and competitive surface transportation industry. But we must be cautious and judicious in applying this power. In the words of Chief Justice Charles Evans Hughes, the former Chief Justice of the United States and President Harding's Secretary of State, "When there are controversies which must be resolved in the interest of both public and private right, the careful investigator, the acute analyst, the effective advocate performs an indispensable service." It is my intention to adopt this thought as my credo in carrying out the important missions of the ICC.

I have worked hard all my life, from the day I left home at 15 years of age, until this day, and I have applied myself to each new task with enthusiasm, energy, a desire to learn and apply all the knowledge and experience that I have accumulated over these many years to the task at hand. My philosophical approach is to get involved in the process and solve the problem at hand and move on to the next one. I have a desire to serve my country and contribute to the transportation industry so that we might continue to grow as a nation, dedicated to providing the best transportation system possible.

Mr. chairman, thank you very much for the opportunity to appear before the Committee today. I would be happy to respond to any questions the Senators might have.

BIOGRAPHICAL DATA

Name: Owen, Gus A.; address: 9 Gavins, Dana Point, CA 92629; business address: 95 Argonaut, Suite 260, Aliso Viejo, CA 92656.

Position to which nominated: Interstate Commerce Commission Commissioner; date of nomination: May 3, 1994.

Date of birth: December 2, 1933; place of birth: Checotah, OK.

Marital status: Married; full name of spouse: Kathryn Gore Thompson-Owen; names and ages of children: Karna Kristen Roger, 30; Melissa Renee Owen, 25; and Kristen Dionne Hoffman, 21.

Education: University Programs Real Estate College, 1990-93, Real Estate Courses, Certificate; New Horizons Computer School, 1992-94, Computer Courses, Certificate; Santa Monica City College, 1960, attended college courses, Math; Orange Coast College, 1957-59, attended college courses, Gen. Ed.; and Mt. San Antonio College, 1956-57, attended college courses, Gen. Ed.

Employment: 1952-55, U.S. Marine Corps; 1955-61, Macco Construction (Laborer), Southern California Edison (Lineman), and Turks (Bartender); 1961-65, Market Basket, Retail Clerk; 1965-67, Republican Central Committee, Executive Director; 1968-69, Republican Congressional Committee, Western States Campaign Director; 1970, Reagan Campaign Committee, Southern California Campaign Director; 11/91-present, California Fish and Game Commission, Commissioner; and 1971-present, Owen Properties, Property Management.

Government experience: California Fish and Game Commission, Commissioner, 11/91-present; California State Building Standards Commission, Commissioner,

1972–78; Sheriffs Advisory Council, Orange County, CA, 1987–present; Advisory Commission, Commission of the Californias, 1972–90; Western Association of Fish and Wildlife (11 western States and Canada), 1992–93; and Director and Chairman of Loan and Audit Committee, Seaside Savings and Loan, 1981–84.

Political affiliations: May be found in the committee files.

Memberships: Lincoln Club, Chairman and President; California Republica Party, member; Republica Associates, member; Republican National Convention, delegate; and Wilson Finance Committee, member.

Honors and awards: None.

Published writings: None.

QUESTIONS ASKED BY THE COMMITTEE AND ANSWERS THERETO BY MR. OWEN

GENERAL

Question. How have your experiences over the past two decades prepared you for the responsibilities you will have as a Commissioner on the Interstate Commerce Commission (ICC), and how will you use this expertise to perform the duties of this position, if confirmed?

Answer. I believe that my work in the public and private sectors has prepared me to serve as an ICC Commissioner. If confirmed, I will bring to the ICC my experience developing real estate and computer businesses, as well as my regulatory background as a member of the California Commission of Fish and Game. Through these experiences, I have learned to understand the dynamic between regulation and regulated industries, and the need to seek a balance in regulation that both ensures the economic viability of the surface transportation industry and protects the public interest.

FREIGHT MOTOR CARRIERS

Question. How would you assess the overall impact of the Motor Carrier Act of 1980 on the trucking industry and the shipping public?

Answer. I agree with most commentators that the Motor Carrier Act of 1980 has been positive for both the trucking industry and the shipping public. The Act substantially relaxed entry standards for trucking companies, thus providing the public with widely available and fully competitive truck transportation service. This increased competition resulted in lower costs, improved service, and increased efficiency.

Question. Congress recently passed and the President signed the Trucking Regulatory Reform Act of 1994, which deregulated much of the motor carrier of property industry. Do you feel that there are further steps that could be taken in this area?

Answer. I reserve judgment on whether there should be further regulatory reform of the motor carrier industry. I look forward, however, to the opportunity, if confirmed, to be able to review the effect of the Exon-Packwood reforms on the trucking industry, and then to discuss with the Committee the need, if any, for further reforms.

ICC STREAMLINING

Question. Are there any areas where you favor a further reduction of the ICC's regulatory activities?

Answer. At this time, I have no opinion about whether there should be a further reduction of the ICC's authority.

Question. The independence of the ICC has been integral in the fair resolution of issues which come before it. Do you believe there are instances where the ICC shares oversight responsibilities with the Department of Transportation (DOT)? If so, what can be done to improve cooperation and coordination between the ICC and DOT, so as to avoid duplicative responsibilities?

Answer. When DOT was created, Congress specifically reserved the economic regulation of interstate freight transportation with the ICC. Policy questions, such as safety regulation, improving the transportation infrastructure, and promoting transportation opportunities, were placed within DOT's jurisdiction. Though their separate areas of responsibility at times require DOT and the ICC to work closely together, I know of no specific duplication of functions between the two agencies. Of course, just as in the case of the Commission's dealings with other agencies, if confirmed, I would welcome the opportunity to consider methods to improve the ICC's coordination and cooperation with DOT.

Question. The ICC has just initiated a Reduction in Force. What will you do, if confirmed, to ensure that ICC employees' understandable concerns about their employment are addressed?

Answer. I regret the effects the Trucking Regulatory Reform Act of 1994 and the expected reduction of its appropriation are having on the Commission's employees. With the Act's passage, however, Congress reaffirmed the importance of the Commission's remaining functions. I trust that now we will be able to move forward and implement the will of Congress. If confirmed, I will be available to meet with employees to hear how I can address their concerns.

INTERCITY BUS SERVICE

Question. What are your views on the current state of the intercity bus service? How do you evaluate the effectiveness of the Bus Regulatory Reform Act of 1982?

Answer. I expect that the intense competition the interstate bus transportation industry experiences from other modes will likely continue. Last year the Commission's Office of Economics issued a study on the intercity bus industry since 1988. The study found that there were 4,603 intercity passenger motor carriers with ICC authority in 1992, approximately 110 of which provided intercity regular route service. The study noted that the bus industry is a small part of a broader and highly competitive intercity passenger market. Furthermore, the study recognized that recent terminal rent increases and other changes initiated by Greyhound may have created financial and operating hardships for other carriers, but it found no abusive or anticompetitive practices. The study cautioned, however, that the Commission should take remedial action if there are indications of an adverse change in circumstances.

Question. What criteria do you believe to be particularly important in reviewing a request for authority to abandon a bus line?

Answer. Though the Commission rarely reviews a passenger carrier's decision to cease serving an interstate line because it does so only if the action is challenged, the Commission would consider whether the carrier was failing to provide reasonably continuous and adequate service. Having never applied this standard, I reserve judgment until I have had an opportunity to further study this important matter.

RAILROAD INDUSTRY

Question. How well do you believe the Staggers Rail Act of 1980 has worked in improving the health of the nation's rail industry?

Answer. I believe the Staggers Act was the key for the revitalization of the rail industry. The Act removed cumbersome and antiquated rail regulation at a time when the industry was on the verge of bankruptcy. Congress' decision to lift the burdensome regulation and allow the rail industry to operate in a far less restrictive environment has proven successful, as shown by the renewed economic strength of the rail industry. The Act also provided safeguards to protect the public interest and entrusted those safeguards to the ICC. I agree with the General Accounting Office, which stated in its July 12, 1994 testimony on the ICC before the Surface Transportation Subcommittee, that there is a "continuing need for an independent regulatory commission * * * to address issues of competition in the rail industry and to adjudicate disputes."

Question. What criteria do you believe to be important in reviewing a request for authority to abandon a segment of rail line?

Answer. In reviewing a proposed abandonment, the Commission weighs the financial interests of the individual railroad, the service and development needs of local shippers and communities, and the public interest in maintaining a healthy, adequate interstate rail network. I think this is precisely the sort of balancing of interests that should be performed by an independent regulatory agency, which makes its decisions based on findings of fact, supported by evidence, drawn from a record that is open to public scrutiny.

Question. The ICC may soon have several rail mergers to review and approve. What criteria are important in reviewing these mergers and are you satisfied that the ICC has the resource to complete its review in a timely fashion?

Answer. The law requires that the ICC review rail mergers in advance to ensure that the public continues to receive adequate transportation services. For a merger to be approved, it must offer substantial public benefits that are greater than any anticompetitive effects. All of the factors Congress has statutorily charged the Commission with using to evaluate a proposed merger are important, and are the foundation on which the Commission bases its review.

I understand that the Commission recently requested public comment on a proposed procedural schedule for the Illinois Central and Kansas City Southern merg-

er. The proposed 365-day schedule (from the time the primary application is filed to the issuance of a Final decision) is well within the 31-month period statutorily provided for Commission review of mergers. I think this proposed schedule demonstrates the talents and efficiency of the ICC staff.

Question. Some have argued that in passing upon rail sales under 49 U.S.C. 10901, the ICC gives insufficient attention to the concerns of rail employees affected by such transactions. Do you believe that the Congress must legislate in this area or that the ICC has the authority to provide relief for employees so affected?

Answer. I understand the ICC General Counsel has concluded that the Commission has the authority to use its discretion both in determining when employee protection should be imposed and also to what extent protection should be imposed. Because I understand the Commission is looking at this matter right now in the context of pending or soon to be pending cases, I should not comment further on the merits of the question. However, think the Commission's policy of encouraging the preservation of economically marginal lines through transfer of those lines to local organizations and other noncarriers has generally been sound and in the public interest.

Senator EXON. Mr. Owen, thank you very much. Without objection, I would like to enter into the record at this time a letter of March 29, from Gov. Pete Wilson. This is so included without objection.

[The information referred to follows:]

LETTER FROM PETE WILSON, GOVERNOR, STATE OF CALIFORNIA

MARCH 29, 1994.

The Honorable BOB DOLE,
U.S. Senate,
Washington, DC 20510-7020

DEAR BOB: It is with great enthusiasm that I write in support of Gus Owen's interest in service on the Interstate Commerce Commission. Gus would make an outstanding ICC Commissioner.

Since his appointment to the California Fish and Game Commission in 1991, Gus has demonstrated a masterful ability to wade through piles of bureaucratic and programmatic details and understand the core issues. More importantly, He is able to connect the decisions of the Commission to real life—he understands the impact of government regulation on private enterprise and entrepreneurial initiative.

Without a doubt, Gus has proven that he has the intellectual capability and personal tenacity to be an effective Republican member on this important Commission.

As I know you are aware, Gus has been a good friend and loyal supporter for more years that I would like to remember. It gives me great pleasure to recommend him to you. I only regret that if he is selected, we will lose him in California.

Sincerely,

PETE WILSON.

Senator EXON. I have a few questions, but at this time I am very pleased to recognize my colleague from the State of Oregon, Senator Packwood, with whom I and others have worked on ICC matters over a long period of time.

Thank you for coming over, Senator Packwood. I recognize you for any statement, comments, or questions you have at this time.

OPENING STATEMENT OF SENATOR PACKWOOD

Senator PACKWOOD. Mr. Chairman, thank you. We have worked with harmony and success, I think.

Senator EXON. Most times. Always harmony, most times, yes.

Senator PACKWOOD. Oh, yes. All right. [Laughter.]

Mr. Owen, I am clearly going to support you. Your background is a good background for this. You are coming to an agency that has the wonderful opportunity to extinguish itself almost.

There are things left that are legitimate things for Government left to look at, in terms of insurance, in terms in safety. And there

is a debate, of course, as to whether the ICC should do it—and I think they do it better than the Department of Transportation—or shift it to the Department of Transportation, or shift it someplace else.

And on occasion I have thoughts about shifting the Department of Transportation someplace else. But that is neither here nor there now.

You are well familiar with the study that is now going on. But when you look at the ICC, and you look where they were when I came into the Senate, with 2,025 employees, and you look where they are now, and you look where they are going to go, with the legislation that we have already passed, and the fact that, for all practical purposes, they are out of the truck regulation business, for all practical purposes, they are out of the rail regulation business, absent abandonment, for all practical purposes, we have achieved what we wanted to achieve, and the ICC has been a willing accomplice.

And you do not always find that in Government, when you are narrowing down agency's duties.

I have to compliment the present Commission, and some of the past Commissioners have been willing to go with this hand and hand, and realizing when there was a time to get out of regulation, they were happy to help us get out, and not say, "Oh, no, for 100 reasons you cannot do that to us. Do it to somebody else."

So, I will support you.

But I also want to take this opportunity, Mr. Chairman, to again thank you for the success we did have this summer, which is funny.

We started out with a little modest problem involving the Ninth Circuit Court of Appeals and United Parcel and Federal Express, and we have suddenly finished truck deregulation. So, wisdom works in strange ways, and I am delighted that we had that success.

I will support you.

And I thank you, Mr. Chairman, for the opportunity to make this statement.

Mr. OWEN. I would like to compliment both of you on the legislation that you put forth on behalf of the ICC.

Senator EXON. Senator Packwood, thank you very much. Earlier, I had referenced our legislation, and I think it has been an important step in the right direction.

The comments you made, I think, are exactly on point, as we move ahead now with great confidence to a streamlined Commission which can expedite matters up and down the line, and not be involved in causing unnecessary expense either to the Government or private business with redundancy in some reports which we a long time ago felt were outmoded.

Thank you for your cooperation.

Senator PACKWOOD. Thank you, Mr. Chairman.

Senator EXON. I have two or three questions. Let me start out, if I might, Mr. Owen, with a softball question, but there may be more behind this than would meet the eye of some.

If confirmed, what will be your highest priority at the Interstate Commerce Commission, with regard to anything you know of that

is presently pending before the Commission, or likely to come before the Commission during your tenure?

Mr. OWEN. One of the first things I want to look at, and it is more mechanical than philosophical, is to upgrade my office computer hardware and software, so we can perform in the capacity that we should to get involved in the process to a greater degree.

One of the other things that I will take as a high priority is to meet with the staffs on the Hill to get the sense of direction that Congress wants us to go in.

Senator EXON. The second question is: Do you know of any financial interests which would interfere with your judgment on transportation issues as a member of the ICC?

Mr. OWEN. None, whatsoever.

Senator EXON. The third question is: What is your view of the Commission's continued independence, either as a separate entity or as an entity within the Department of Transportation?

Mr. OWEN. I may be stepping on some eggshells here, or a bomb or two, Senator, but I think that the agency should be an independent agency.

I think that five Commissioners are able to respond to the public need, whether it be labor, management, or shippers, in a more responsive fashion, rather than being in the Department of Transportation.

In the fish and game commission and in the State buildings standards commission, we were able to respond, and we had tremendous turnouts up and down the State of California, where people were able to participate in the process because we were independent.

Senator EXON. Mr. Owen, thank you very much. I really appreciate your forthright statement on that. I think one of the problems we have here is the selling job which needs to be done on what the proper role is of the Interstate Commerce Commission. I tried to address this in my opening remarks.

From what I can tell from your remarks today, and reading other parts of the material which has been submitted, I take it you come basically out of the Packwood-Exon philosophy to cut any Government agency down to the lowest common denominator possible, while not interfering with the public interest.

As Governor of Nebraska, I recognized that the game and parks commission was one of the most important agencies with regard to their outreach to the individual citizen of the State of Nebraska. Coming out of the game and parks commission, or whatever it is called, in California, I am certain you found it a very important part of reaching out to the multitude of individual citizens in the State of California. So, people who have had that kind of experience can have, I think, a very key role to play in how we move in the future.

I have one last question, and I do not know whether you have had enough time to study this to form an opinion on it. If you have not, I will understand.

How do you view the need for Federal assistance to the short line and regional railroads with respect to rehabilitation and purchasing of rail lines, as described in the Local Rail Freight Assistance Program?

Mr. OWEN. Senator, I do not have enough information to really make an intelligent response to that. However, it is one area that I would like to take a close look at, because there is a very definite need to maintain rail lines into some of the outlying communities.

How that is accomplished, I do not know at this time. But once I get into it, we will come back to you and make some recommendations, or if we cannot, we will let you—

Senator EXON. Very well, Mr. Owen. I understand. It may be that this question will get the same answer from you, but I am just trying to introduce some things with which I think you are going to be faced, and to encourage you to look at them.

By what criteria, if you have any at this time, will you judge whether the impact of rail abandonments on small communities will be excessive? This is going to be a very key matter for the Interstate Commerce Commission in the years ahead, and I am wondering if you have any knowledge or feelings about it as you go into this position.

Mr. OWEN. I do not have an opinion at this time. I hope to develop some guidelines to take a close look at that, because I am concerned about it, as I stated earlier in my answer to the previous question.

Senator EXON. Thank you. There will be some additional questions for the record, as I have indicated. Please respond as quickly as you can.

Are there any further questions?

Senator PACKWOOD. No questions, Mr. Chairman.

Senator EXON. Thank you, Mr. Owen. I would simply tell you that I am very much impressed with your background, your credentials, and those who are supporting you.

I will do everything I can to move this along as quickly as possible, and make you part of what I think we have over there right now, a truly independent Interstate Commerce Commission, which really recognizes, as a group, what their responsibilities are. They work together when they have to work together, and they work separately by majority vote when they do not agree. That is the way it should be.

Thank you very much for being here. You are excused.

Mr. OWEN. Thank you very much.

Senator EXON. The hearing is adjourned.

[Thereupon, at 10:15 a.m., the hearing was adjourned.]

APPENDIX

LETTER FROM EDMUND G. PAT BROWN, ATTORNEY AT LAW, LOS ANGELES, CA

MARCH 17, 1994.

Senator ERNEST HOLLINGS,
U.S. Senate,
Washington, DC 20510

DEAR FRITZ: It's been a long time since we've been in contact, I do see you on C-Span and I must admit I miss the excitement and the accomplishments of politics and Government. You were a terrific Governor and your Senate career is one to be envied. Keep up the good work!

I know there are many demands on your schedule but I'd like to ask you to meet with the President's nominee for the Republican slot on the Interstate Commerce Commission. He is Gus Owen, a solid California business leader.

Gus has had a distinguished career in real estate, business and development. He and I are poles apart politically, but I know he is a man of fine intellect and complete integrity. He would be a good addition to the Commission.

I ask only that you meet with him at your convenience and that you make up your own mind based on all the information and a personal interview.

Thank you, Fritz, for any assistance on this appointment.

Bernice joins me in sending you our very best wishes for continued success and good health.

Sincerely,

EDMUND G. PAT BROWN,
Governor of California, 1959-67.

LETTER FROM RON PACKARD, MEMBER OF CONGRESS, 48TH DISTRICT OF CALIFORNIA

MARCH 19, 1994.

The Honorable ROBERT DOLE,
U.S. Senate,
Washington, DC 20510

DEAR SENATOR DOLE: As you are aware, the Interstate Commerce Commission has a vacancy for a republican Commissioner. I would like to recommend Mr. Gus A. Owen of California for your support to fill this vacancy.

Gus is a long time friend and supporter of mine. He has tirelessly contributed both his time and money to the Republican party and its candidates in California and nationwide. Gus is a twenty year member and past Chairman of the Orange County Lincoln Club. He has helped elect republican candidates from Richard Nixon and George Bush to Pete Wilson and George Deukmejian. In fact, he is Co-Chairman of an event in your honor later this month in California.

More importantly, Gus possesses the business skills and experience to do an excellent job at the ICC. I believe his diverse business experience will bring a much needed perspective to Washington and the ICC. As you know, too often we overlook the impact on business of the laws we impact and the regulation the agencies implement. Gus will add some practical business experience to the decision making at ICC.

Even under a democratic administration republicans must help govern the nation. The ICC was established to have both parties represented for the good of the nation. In addition to his business expertise and life-long loyal republican support, Bus Owen has the poucal instincts to be a great asset, even in a democratic administration.

I personally recommend, without any reservations, Gus Owen for your consideration as an Interstate Commerce Commissioner. At your convenience, I would be available to discuss Gus's appointment to the ICC.

Sincerely,

RON PACKARD,
Member of Congress.

LETTER FROM TIRSO DEL JUNCO, M.D., CHAIRMAN, REPUBLICAN PARTY OF CALIFORNIA

MARCH 24, 1994.

Senator BOB DOLE,
U.S. Senate,
Washington DC 20510-7020

DEAR SENATOR DOLE: It has come to my attention that Gus Owen is being considered for the Interstate Commerce Commission (ICC).

I have known Gus for some 25 years and of his activities and support of the Republican Party and its candidates and issues not only in California but also at the National level. We have worked together on building the Lincoln Clubs and Financial support base for the party throughout our state. Gus is a long time friend I can count on and will be of tremendous assistance to you as a Commissioner at the Interstate Commerce Commission.

He will bring to the ICC his knowledge of running a business, meeting payrolls conforming to budgets, financing experience and understanding the immense burden that the regulatory agencies place upon business every minute, hour and day of our lives.

Senator Dole, I recommend Gus Owen for the Interstate Commerce Commission Republican position and would urge your support and recommendation to the White House.

Sincerely your friend and supporter,

TIRSO DEL JUNCO, M.D.,
Chairman Republican Party of California.

LETTER FROM HOWARD ADLER, CHAIRMAN, DEMOCRATIC PARTY OF ORANGE COUNTY

FEBRUARY 12, 1993.

JOHN EMERSON
The White House
Washington, DC 20500

DEAR JOHN: It is a special pleasure to bring to President Clinton's attention the resume of Gus Owen. Among Gus' many accomplishments is his Chairmanship of the Lincoln Club.

Now, you are going to say, has Howard, the Chairmen of the Democratic Party of Orange County lost his mind recommending a committed Republican for an appointment by a Democratic Administration! In defense of my sanity, let me offer the following:

a) His commitment is to solving problems, and his objectivity and pragmatism make him the kind of Republican that Democrats can work with.

b) Gus puts community concerns ahead of politics, and getting the job done is more important to him than labels.

c) Bill Clinton has impressed us all with his commitment to diversity and listening to different points of view. Gus is the kind of man who will bring a perspective, and a point of view to national policy making that will benefit us all.

Gus is the kind of Orange County Republican who will add a dimension to the policy debates that I believe will, in the long run, be a real asset to the Administration.

Sincerely,

HOWARD ADLER,
Chairman, Democratic Party of Orange County.

LETTER FROM ARNOLD O. BECKMAN, BECKMAN INSTRUMENTS, INC.

JANUARY 3, 1994.

The Honorable ROBERT DOLE,
U.S. Senate,
Washington, DC 20510-1601

DEAR SENATOR DOLE: I understand that Gus Owen is considering taking a position within the government. That is good news, for Gus is an outstanding person who can be relied upon to discharge fully and well the responsibilities of any position he may occupy.

We need more people like Gus in government circles at all levels.

Sincerely,

ARNOLD O. BECKMAN.

LETTER FROM BRAD GATES, SHERIFF-CORONER, ORANGE COUNTY, CA

Honorable BOB DOLE,
U.S. Senate,
Washington DC 20510-7020

DEAR SENATOR DOLE: I have known Mr. Owen for more than 25 years and have had the opportunity to observe him in social, business, and political settings. In every instance, he has been a consummate professional and I can unequivocally recommend him to you for your consideration as an appointee to the Interstate Commerce Commission.

Mr. Owen is an honest, straightforward and hard-working businessman. He always makes his decisions based on facts. In the political arena, as the leader of the Republican Club in Orange County, he has demonstrated outstanding leadership. It has been Mr. Owen's clear-thinking approach that has guided the club through some of the major issues confronting our local community and other national issues.

I've been a cop for more than 30 years and have been the elected Sheriff of this county for the last 20. During each of my elections, Mr. Owen has been a diligent supporter. Police work is really the "people business." As such, police officers develop an ability (because sometimes their lives depend on it) to "read" people. My "read" on Mr. Owen is that he is the superior choice for appointment to the ICC.

His attached resume speaks for itself. Mr. Owen has earned the appointment that will provide him an opportunity to play a major role in developing solutions to some of the challenges confronting our nation.

I am available to discuss Mr. Owen's appointment in more detail if you prefer.

Sincerely,

BRAD GATES,
Sheriff-Coroner.

LETTER FROM MICHAEL R. CAPIZZI, DISTRICT ATTORNEY, ORANGE COUNTY, CA

MARCH 24, 1994.

The Honorable ROBERT DOLE,
U.S. Senate,
Washington. DC 20510-7029

DEAR SENATOR DOLE: This letter is to enthusiastically recommend Gus A. Owen for appointment to the Interstate Commerce Commission.

I have known Gus for many, many years and know his reputation for honesty and integrity to be impeccable. His pragmatic approach to problem solving coupled with his extensive and varied experience in the business world would serve him well in the dynamic atmosphere of the Interstate Commerce Commission. Gus is both a leader and a forceful, effective advocate of his ideas and philosophy. I believe these qualities would add considerable weight to the minority position he would represent on the Commission and would serve to level the playing field. He has, in addition to his business pursuits, found time to actively participate in many civic and charitable causes.

Based on his many attributes, I strongly and without reservation recommend Gus A. Owen for appointment to the Interstate commerce Commission!

Sincerely,

MICHAEL R. CAPIZZI,
District Attorney.

LETTER FROM THOMAS F. RILEY, CHAIRMAN OF THE BOARD, ORANGE COUNTY, CA

MARCH 23, 1994.

Senator ROBERT DOLE,
U.S. Senate,
Washington, DC 20510-7020

DEAR SENATOR DOLE: I am writing in strong support for Mr. Gus A. Owen who is being considered for appointment to the Interstate Commerce Commission. Having known and worked with Mr. Owen for nearly twenty years. I truly believe his commitment to our great nation, its people, and economic strength can be a tremendous asset on that pivotal Commission.

Mr. Owen was instrumental in forming a Transportation Committee of the Orange County business community to work with the Governor's office and Senator Seymour to bring the first Cal Trans office created in fifty years to Orange County. That office with hundreds of employees is now hard at work expediting the highway element of a transportation infrastructure modernization program for our region. He also took a bipartisan leadership role in achieving voter approval for a one-half cent sales tax measure for the funding of those dreams. The revenues now approach \$250,000,000 annually to be applied to a commerce friendly intermodal system of railroads and commuter access improvements. Mr. Owen is clearly a man who has the vision of leadership and commitment to results!

Currently he is a driving force in California and Orange County, active in local politics and as a State Commissioner of Fish and Game. Mr. Owen is Chairman of the Western Association of Fish and Wildlife Commissioners, a grouping of sixteen western states, three provinces and two territories of Canada. Knowledgeable of wildlife habitat and long term ecological needs, he adds that balance to his extensive list of business and public infrastructure successes.

Mr. Owen has my respect and highest personal endorsement for service to our nation as a balanced conservative, capable of vision beyond the boundaries of party or philosophy. He is most worthy of your support as a nominee to the President for appointment to the Interstate Commerce Commission.

Sincerely,

THOMAS F. RILEY,
Chairman of the Board.

QUESTIONS ASKED BY SENATOR HOLLINGS AND ANSWERS THERETO BY MR. OWEN

GENERAL

Question. What qualities do you bring to the Interstate Commerce Commission (ICC) that will help the agency in the challenging times ahead?

Answer. As described in my opening statement and in answers to pre-hearing questions, think that my business and regulatory experiences provide me with the background to find the proper balance in regulation that both ensures the economic viability of the surface transportation industry and protects the public interest. If so, I will help fulfill the mandate Congress gave the Commission, which should garner continuing support for the ICC from everyone interested in maintaining an effective, efficient and safe surface transportation industry.

RAIL

Question. Please comment on whether the ICC has the authority to provide labor protections for workers adversely affected by rail consolidations short of the so-called New York Dock protections?

Answer. According to the ICC's General Counsel, the Commission has discretion both in determining when employee protection should be imposed and also to what extent protection should be imposed. Thus, the Commission should be able to impose greater or less protection than the so-called New York Dock protections.

MOTOR CARRIER

Question. Please provide the Committee with your views as to whether the household goods carriers should continue to be regulated by the ICC?

Answer. I understand that traditionally the household goods moving industry has been subject to closer scrutiny than other industry segments because individual consumers are more likely to fall victim to any unscrupulous movers. Earlier this year at a joint oversight hearing before the House Public Works and Transportation Committee, Subcommittee on Surface Transportation, and the House Energy and

Commerce Committee, Subcommittee on Transportation and Hazardous Materials, ICC Chairman McDonald invited Congress to explore methods by which the ICC could bolster its consumer protection of household goods movers. I welcome this review, and reserve judgment on how to best protect consumers until I have had an opportunity to further study the issue.

QUESTIONS ASKED BY SENATOR EXON AND ANSWERS THERETO BY MR. OWEN

RAIL

Question. How do you view the Commission's test by which the agency determines whether a rail line sale under 49 U.S.C. 10901 should be given labor protections for employees affected by the line sale?

Answer. I think the Commission has acted in the public interest by encouraging the preservation of economically marginal lines through transfer of those lines to local organizations and other noncarriers. Because I understand the Commission is looking at this issue right now in the context of pending or soon to be pending cases, I should not comment further on the Commission's test to impose labor protection.

Question. What should the role of the ICC be in resolving the recurring problem between shippers and railroads concerning the shortage of grain cars during harvest season?

Answer. I think this is just one example of how the Commission can serve as an important facilitator between a wide range of competing interests—farmers, consumers, railroads, ports railcar manufacturers, and States. I understand that Commissioner Simmons has just concluded a study of this issue, which I am eager to review before commenting on what, if any, specific actions the Commission could take.

MOTOR CARRIER

Question. What is your opinion as to whether the filed rate doctrine should be eliminated for carriers filing their rates collectively?

Answer. Until I have had an opportunity to review the effect of the Exon-Packwood reforms on the trucking industry, I reserve judgment on whether there should be further regulatory reform of the motor carrier industry, including whether the filed rate doctrine should be eliminated for carriers filing their rates collectively.

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